



Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To: Planning and Land Use Committee **Date:** July 9, 2015
From: Rob Woodland, Director, Legislative and Regulatory Services
Subject: Application for Patron Participation Endorsement for Oswego Hotel
500 Oswego Street, Licence No. 000178

RECOMMENDATION

That Council, after conducting a review with respect to noise and community impacts regarding the application to add a Patron Participation Endorsement for the Food Primary liquor licence of the **Oswego Hotel**, Liquor License No. 302556, located at 500 Oswego Street, supports:

1. The application of the **Oswego Hotel** to amend its Food Primary liquor licence to add a Patron Participation Endorsement.
2. The Council provides the following comments on the prescribed considerations:
 - (a) The location is in the urban residential district which has a transient accommodation usage but also allows for some restaurants. There is significant residential use in the immediate vicinity. The Food Primary liquor licensed business is compatible with the neighbouring land uses and is within the Intermediate Noise District, which allows for a higher noise threshold.
 - (b) This change is expected to have minimal impact on the neighbourhood due to the configuration, use and size of the licensed premises. The restaurant has had no complaints with regards to noise.
 - (c) The views of residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Four written responses were received by the City, with three in support of the application and one opposed.

EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by the Oswego Hotel in relation to their Food Primary liquor licensed business located at 500 Oswego Street, for a change to add a Patron Participation Endorsement.

The hours of liquor service are from 9:00 AM to midnight seven days per week. The occupant load for the restaurant is 130 persons. The approval of a Patron Participation Endorsement would

allow the restaurant to have a small dance floor that would allow patrons to dance to music that is offered for private parties, weddings and other booked events. There would be no change in occupancy or hours of service as a result of this application.

PURPOSE

The purpose of this report is to seek a Council resolution regarding an application by the Oswego Hotel, in relation to their Food Primary liquor licensed business located at 500 Oswego Street, for a change to add a Patron Participation Endorsement for their restaurant business.

BACKGROUND

The Oswego Hotel is located at 500 Oswego Street and the bistro portion is licensed for 130 persons. The current operating hours are from 9:00AM until Midnight, seven days per week. The applicant is seeking a patron participation endorsement to allow the restaurant to have a small dance floor that would allow patrons to dance to music that is offered for private parties, weddings and other booked events. In their attached letter (Appendix A), the operator has described the full rationale for their request. A map of the subject property and immediate area is also attached to this report (Appendix B).

Location

Official Community Plan:

- The property is within the Urban Residential Urban Place designation in the Official Community Plan.

Downtown Core Area Plan:

- The property is not within the area of Downtown as defined by the DCAP.

Zoning:

- The property is zoned T-20 Zone, Kingston Transient Accommodation District, which permits transient accommodation and the following accessory uses: restaurants, establishments in respect of which there is a subsisting dining-lounge licence, dining-room licence or lounge licence issued according to the Act, and establishments with 100 or more transient accommodation units located on one site, and in respect of which there is a subsisting public house licence issued pursuant to the Act.

Neighbourhood Compatibility:

- The building fronts onto Oswego Street. Immediately adjacent land uses are:
 - North (345 Quebec St): Residential (Transient – Harbour Towers)
 - East (405 Quebec St): Residential (96 units, including some transient)
 - West (324 Kingston): Residential (18 units)
 - South: Residential (multiple dwellings)

Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local governments are asked to provide comments and recommendations to the LCLB on all liquor-primary licence applications regarding (1) the potential for noise and (2) impact on the community if the application is approved.

ISSUES & ANALYSIS

This application is being pursued as a permanent change to the operating conditions as the restaurant operator would like to have a small dance floor that would allow patrons to dance to music that is offered for private parties, weddings and other booked events. A letter from the applicant detailing the reasons for the requested change is attached to this report.

Within a 50 metre radius of the Oswego Hotel Bistro, there is one other Food Primary business (restaurant) having a seating capacity of 1085 seats. In addition, there is one Liquor Primary business (bar) within a 50 metre radius of the Oswego Hotel Bistro having a seating capacity of 26 seats. Both of these establishments are located at 345 Quebec Street (Harbour Towers Hotel).

Given that the restaurant is already permitted to have bands play live music, the provision of a dance floor is not likely to increase noise levels significantly on the street. The property is located within the Intermediate Noise District.

Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. There are no bylaw issues and their business licence is in good standing.

Citizen Engagement and Strategic Planning

Staff advise that changes to licensing that add enhance business vitality, as well as offer visitors and downtown area patrons a range of entertainment options, can be positive for the community. Given the proximity to residences and the hours of operation, there is a concern for impacts to neighbours.

Sustainable Planning & Community Development

There are no objections to the application as the use is permitted and should not result in any demonstrable impact upon neighbouring uses in terms of noise and disturbance.

Police

The Police Department has no concerns with, or objections to, this application.

Public Engagement and Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers within 50 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, the business displayed a poster at the access points to their business for a four week period which also invited people to provide input to the City with respect to this application.

The result of this consultation was that the City received four written responses from the community, with three of the four in support of the proposed change (Appendix C).

CONCLUSIONS

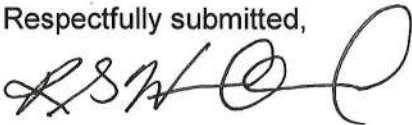
The City's current liquor licensing policy is silent about Patron Participation endorsements and Council has normally considered each application on its own merits. There are no noise or nuisance complaints received by the City in respect to this Food Primary business.

City staff from all Departments have few concerns about the proposed change to add a Patron Participation endorsement. However, it is noted that the addition of a dance floor will change the character of the restaurant, although it is unlikely this change would lead to any increase in noise

or nuisance issues. The focus of the licensed business is to remain on the provision of food service with alcoholic beverage service.

The public consultation conducted by the City has resulted in largely positive feedback from the public (three respondents in favour and one opposed) which is a general indication that the community is supportive of the proposed changes. Therefore, a resolution supporting the application has been drafted to meet the Liquor Control and Licensing Branch requirements.


Respectfully submitted,



Robert Woodland
Director
Legislative and Regulatory Services

Report accepted and recommended by the City Manager: _____

Date: _____


July 14, 2015

List of Attachments

- Appendix A – Letter from Applicant Re: Requested Change
- Appendix B – Map of 500 Oswego Street and Surrounding Area
- Appendix C – Four email responses from the public

Appendix A – Letter from Applicant Re: Requested Change

Liquor Control and Licensing Branch
4th floor, 3350 Douglas Street
Victoria, B.C. V8Z 3L1

Re: Food Primary Licence number 302556 – Request a Permanent Change

To whom it may concern,

The O Bistro at the Oswego Hotel operates as a food primary restaurant. On occasion throughout the year, our O Bistro is booked for private parties. These typically include, weddings, corporate holiday parties, business mixers, and fundraisers.

We would like to offer these clients the opportunity to dance at their private party. The dancing would take place in the O Bistro restaurant space.

Our intent is not to offer regular dancing to the public, but to offer it to our private parties only.

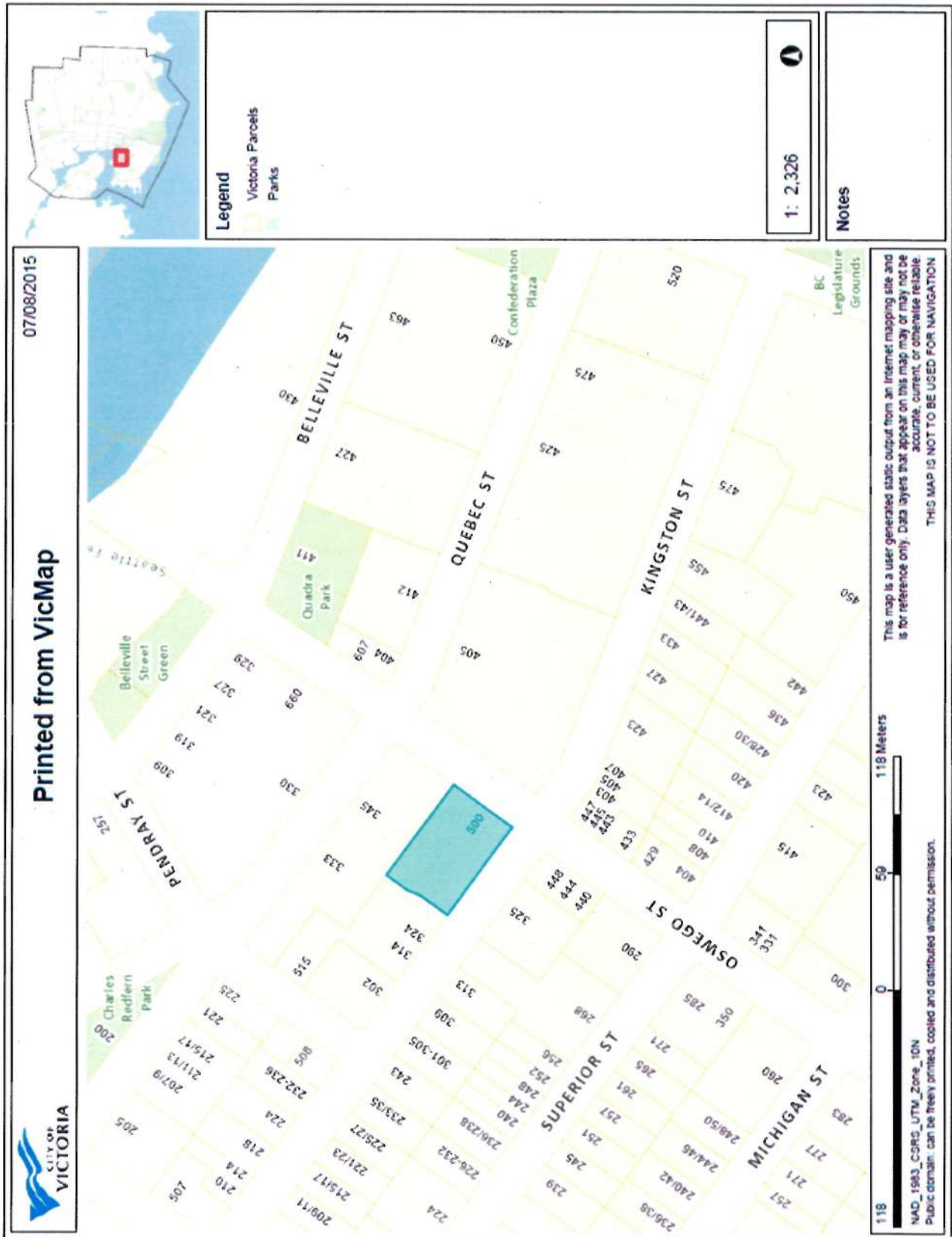
Warm Regards,



Suzanne Gatrell
General Manager
The Oswego Hotel

ph: 250 294 7510
e: sgatrell@oswegovictoria.com

Appendix B – Map of 500 Oswego Street and Surrounding Area



Appendix C – Four email responses from the public

#1) In Opposition

Mark Hayden

From: John [REDACTED]
Sent: Monday, May 18, 2015 7:14 AM
To: Liquor Licence Email
Subject: Oswego Hotel

I am completely apposed to to the Oswego Hotel to have dancing and even more drunk in behavior by its guest. The noise level is already unacceptable. And the parking is a problem all summer, their guest fill up the residential side of Kingston. Please do not allow more disruption to our sleep. Thankyou John Heintzelman [REDACTED] 311 Kingston st.

Sent from my iPad

#2) In Favour

Mark Hayden

From: rufus rufus [REDACTED]
Sent: Friday, May 15, 2015 8:18 AM
To: Vanessa Pennington; Liquor Licence Email; Suzanne Gatrell
Subject: Re: Oswego Hotel NOTICE OF APPLICATION FOR PERMANENT CHANGE TO A FOOD PRIMARY LIQUOR LICENCE - to add a Patron Participation Endorsement
Attachments: image006.png; image007.jpg; image008.gif; image009.png; image010.gif; image011.gif; image012.gif

Good morning Vanessa,

Thank you very much for taking the time to address our concerns and for your detailed response. From your statements it sounds like you're planning on doing exactly what you applied for, dancing in the venue. Assuming accuracy you have dealt with our concerns that the Oswego is are not planning a 'nightclub', 'dancing venue' or 'pub-type' atmosphere and that you will continue to monitor the effects. As indicated below we have found the Oswego to be a positive and responsive neighbour and your letter displays a continuation of this and has alleviated our concerns. Good luck with the change.
Keith & Mary

Sent from Windows Mail

#3) In Favour

Mark Hayden

From: Bert Stueck [REDACTED]
Sent: Tuesday, May 12, 2015 6:38 PM
To: Liquor Licence Email
Subject: Oswego Hotel
Attachments: comicstile.gif; comicsheader.gif



Dear Sirs....

In regards to the Application for Permanent change to a food primary liquor licence as it pertains to the Oswego Hotel, 500 Oswego Street, Victoria, B.C.

The Oswego Hotel is a first class venue. They often hold special events that might include dancing by their patrons. Let it be known that I am in favor of their application for "Permanent Change to add a Patron Participation Endorsement" as per the Liquor Control and Licensing Act.

I own a suite at the Oswego Hotel and have a vested interest in it's operation, but I do not think that this application will effect any of the local businesses or property owners in the area in a negative way.

Thank You,

Bert Stueck

#4) In Favour

Mark Hayden

From: Francine Marshall [REDACTED]
Sent: Monday, May 4, 2015 1:57 PM
To: Liquor Licence Email
Subject: re:Oswego dancing

Absolutely no problem with that.

Francine Marshall
Unit 120, 405 Quebec St.,
Victoria, B.C. V8V 4Z2